

Notice of Allowability

Application No.

10/765,991

Examiner

shih-wen hsieh

Applicant(s)

HAMASAKI, YUJI

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on Nov. 10, 2006.
2. ☒ The allowed claim(s) is/are 1,3-5,10 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**SHIH-WEN HSIEH
PRIMARY EXAMINER**

S. Hsieh 11-28-06

Response to Amendment

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov. 10, 2006 has been entered.

Allowable Subject Matter

2. Claims 1, 3-5, 10 and 12 are allowed.

3. The following is an examiner's statement of reasons for allowance:

In regard to:

Claims 1 and 3-5:

The primary reason for the allowance of claims 1 and 3-5 is the inclusion of the limitation of a control means for inhibiting a cleaning operation by said cleaning means when said detection means detects presence/absence of the ink tank and indicates that the ink tank is not attached to the print head in a case that the cleaning operation is intended to be executed at a predetermined timing during print standby. It is this limitation found in each of the claims, as

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they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Claim 10:

The primary reason for the allowance of claim 10 is the inclusion of a step of inhibiting a cleaning operation by a cleaning section that cleans the print head when said detection step detects presence/absence of the ink tank and indicates that the ink tank is not attached to the print head in a case that the cleaning operation is intended to be executed at a predetermined timing during print standby. It is this step found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 12:

The primary reason for the allowance of claim 12 is the inclusion in a program code having a step of inhibiting a cleaning operation by a cleaning section that cleans the print head when said detection step detects presence/absence of the ink tank and indicates that the ink tank is not attached to the print head in a case that the cleaning operation is intended to be executed at a predetermined timing during print standby. It is this step in the program code found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to shih-wen hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN MEIER can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SWH


Nov. 24, 2006

SHIH-WEN HSIEH
PRIMARY EXAMINER

